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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,658	03/29/2001	Jan Van Ee	US018032	8524

7590 12/29/2004

Philips Electronics North America Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,658	VAN EE, JAN	
	Examiner	Art Unit	
	Jason P Salce	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/01, 5/02, 3/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The examiner has reviewed provisional applications 60/223,856, 60/248,313, 60/258,937 and 60/258,940. The provisional application 60/248,313 provides proper support the claims of the instant application and achieve the provisional application filling date of 11/14/2000.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 3/29/2001, 5/8/2002 and 3/3/2004 were filed on and after the filing date of the instant application on 3/29/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-3, 5-9 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims recite a method for executing the steps of an abstract idea (See MPEP 2106 IV Section B2 (c)) by enabling a consumer to generate control data, which is used to program a first electronics system.

To expedite a complete examination of the instant application the claims rejected under 25 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 10-13 and 15 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sweatt, III et al (U.S. Patent Application Publication 2002/0038358).

Referring to claim 1, Sweatt discloses enabling a consumer to program a first consumer electronics system (DVR 37 in Figure 2) for operation according to preference of the consumer (see Paragraph 0184, Lines 25-33 and Paragraph 0186, Lines 1-11 for specifying programs to be recorded according to the consumer's preference and Paragraph 0190, Lines 10-16 for programming the DVR 37 according to the consumer's requests (from a remote location at Paragraph 0175, Lines 9-11 and Paragraph 0176, Lines 11-12 through the use of an API)).

Sweatt also discloses enabling the consumer to interactive via a network (Internet 24 in Figure 2) with an application (see MYReplayTV (MRTV) API 264 in Figure 4C and Paragraph 0108) on a server (see middle tier server 40 in Figure 2) for generating control data to program the first system according to the preference (see Paragraph 0110, Lines 29-33 for the API being used to access a web page that is used to program DVR 37 (see Paragraph 0153 for sending the control data to the DVR 37)).

Referring to claim 2, Sweatt discloses enabling to download the control data from the server to the first system for programming the first system (see Paragraph 0108 and Paragraph 0110, Lines 29-33 accessing a representation of the DVR 37 (first system), from middle tier server 40, to program the DVR 37 (deletion of programs from the guide at Paragraph 0153, which also sends the data down to DVR 37, therefore programming the DVR 37)).

Referring to claim 3, Sweatt discloses enabling to download the control data from the server to a second system of the consumer (see Paragraph 0190, Lines 10-16 for also downloading the control data (deletion or recording program requests) to the user as well as the DVR 37) for programming the first system upon transfer of the control data from the second system to the first system (see again Paragraph 0190, Lines 10-16 (and Paragraph 0153) for sending the control data to program the DVR 37 (first system) and also note that the control data is generated by requests made using the API discussed at Paragraph 0175, Lines 9-11 and Paragraph 0176, Lines 11-12 and Paragraph 0108). Therefore, when the browser 20 sends a request to delete programs from the replay guide displayed in Figure 19A, the DVR 37 is sent control data, which notifies the DVR 37 of the program deletion (see Paragraph 0186).

Referring to claim 4, Sweatt discloses that the consumer interacts with the server (see Paragraph 0108) via a second system (browser 20 at client 18) different from the first system (DVR 37).

Referring to claim 5, Sweatt discloses that the operation relates to configuring the first system for selective processing of content information (see Paragraph 0186 for the

user accessing a Reply guide in Figure 19A, which allows a user to delete programs). Therefore, when the user remotely deletes programs from the record list performed by DVR 37, the DVR 37 will only record programs that have not been deleted (or even specified for recorded in Paragraph 0190), which provides selective processing of content information.

Referring to claim 6, Sweatt discloses that the first system comprises a home entertainment system (see DVR 37 in Figure 2 and Paragraph 0014). Note that the term "home entertainment system" is broad, and a DVR is a system that provides home entertainment.

Referring to claim 7, Sweatt discloses that the second system comprises a PC (see Paragraph 0082).

Referring to claim 10, Sweatt discloses that the consumer interacts with the server (middle tier server 40 in Figure 2) through the second system (browser 20 at client 18) from a location remote from the first system (see Figure 2 for client 18 interacting with server 28-1 in order to interact with DVR 37 (also note Paragraphs 0108 and 0153 for further discussion of this interaction)).

Referring to claim 11, Sweatt discloses that the consumer (client 18 in Figure 2) requests the server (middle tier server 40 in Figure 2) to establish contact with the first system (DVR 37 in Figure 2 and Paragraph 0108 for using procedural and functional calls, which request data transfers between devices 36 and DVR 37) and the server (middle tier server 40) establishes contact in response to the consumer request (see Paragraph 0153 for the client 18 contacting the DVR 37 to obtain it's program guide,

where the middle tier server 40 uses API 264 to process the request in Paragraph 0108).

Referring to claim 12, Sweatt discloses that the server (middle tier server 40) has a database (see database 44) with information relating to the consumer (see Paragraph 0114, Lines 12-13 for the database 44 containing a user profile) and acquired prior to the interaction (see Paragraph 0115, Lines 5-10 for loading selected program guide data into the database 44 and then sent to the DVR 37, therefore since the EPG data is not being requested by the user, this data is acquired prior to interaction).

Sweatt also discloses that the generation of the control data takes into account the information in the database (see Paragraph 0153 for the client 18 for performing various functions on the program guide sent to the DVR 37 (see Paragraph 0115), therefore, requests made by the client regarding the program guide (generation of the control data) takes into account the information in the database (program guide data stored in database 44)).

Referring to claim 13, Sweatt discloses an electronic apparatus (System 10A in Figure 2) for being configured by a consumer (client 18), the apparatus comprises a combination of a first consumer electronics system (DVR 37) and a second system (browser 20 on client 18). See paragraph 0153 for configuring the system.

Sweatt also discloses that the first system is programmable for operation according to a consumer's preference see Paragraph 0184, Lines 25-33 and Paragraph 0186, Lines 1-11 for specifying programs to be recorded according to the consumer's preference and Paragraph 0190, Lines 10-16 for programming the DVR 37 according to

the consumer's requests (from a remote location at Paragraph 0175, Lines 9-11 and Paragraph 0176, Lines 11-12 through the use of an API).

Sweatt also discloses that the second system (browser 20 at client 18) is network-enabled (Internet 24 in Figure 2) for user-interaction via a data network with an application server (see MYReplayTV (MRTV) API 264 in Figure 4C and Paragraph 0108 on middle tier server 40 in Figure 2), the application server generating control data based on the consumer's preference for configuring the first system (see Paragraph 0110, Lines 29-33 for the API being used to access a web page that is used to program DVR 37 (see Paragraph 0153 for sending the control data to the DVR 37)).

Sweatt also discloses that the second system configures the first system based on the control data received from the server (see again Paragraph 0153 and Figure 2 for configuring DVR 37 from client 18).

Referring to claim 15, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweatt et al. (U.S. Patent Application Publication 2002/0038358) in view of Bruck et al. (U.S. Patent No. 6,008,836).

Referring to claim 14, Sweatt discloses that a first system comprises a PTV (see Paragraph 1045 for a personal TV) and that the second system comprises a computer system (see Paragraph 0082), but fails to teach that a second system comprises a set-top box.

Bruck discloses a set-top box can not only receive and display television program, but also access online data through the Internet, which is commonly known as a Web-TV system (see Column 4, Lines 61-67 and Column 5, Lines 1-3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the client computer 18, as taught by Sweatt, using a WebTV set-top box, as taught by Bruck, for the purpose of allowing a client system to browse the Web, send electronic mail, and to make use of the Internet in various other ways (see Column 4, Lines 41-42 of Bruck).

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweatt et al. (U.S. Patent Application Publication 2002/0038358) in view of Yurt et al. (U.S. Patent No. 5,132,992).

Referring to claim 8, Sweatt discloses that the consumer is enabled to interact with the application (see Paragraph 0153 for interacting with the web-interface application (see Figure 19A) to obtain DVR 37 program guide data), but fails to teach interacting with the application via speech input.

Yurt discloses the use of voice response hardware to select a program (see Column 13, Lines 57-68 and Column 14, Lines 1-2), therefore the consumer interacts

with an application via speech input.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the application accessed by client 18, as taught by Sweatt, using the voice response hardware, as taught by Yurt, for the purpose of providing the user with confirmation of selections and pricing information prior to completion of the transaction (see Column 13, Line 68 and Column 14, Lines 1-2), which would allow the user to assure he/she is ordering the proper item.

Claim 9 corresponds to claim 8, where Yurt further discloses that a consumer is enabled to specify the preference to a human operator (see Column 14, Lines 59-61), who interacts with an application based on the user's input (see Column 14, Lines 49-55).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 20, 2004

